



JAMES E. JOHNSON  
Corporation Counsel

THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

MATTHEW C. HALLDORSON  
Assistant Corporation Counsel  
Tel: (212) 356-3297

September 22, 2020

**VIA ECF**

Hon. Katherine Polk Failla  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

**MEMO ENDORSED**

Re: *F.S. obo D.M. v. N.Y.C. Dept. of Educ.*, 20-cv-04538 (KPF)(OTW)

Dear Judge Failla:

I am an Assistant Corporation Counsel in the office of Corporation Counsel James E. Johnson, attorney for Defendant in the above-referenced action wherein Plaintiff seeks attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400, *et seq.* ("IDEA"), as well as for this action.

I write to respectfully request a 90-day stay of this action pending Plaintiff's counsel's provision to Defendant of relevant attorney billing records, and to respectfully request that Plaintiff be directed to provide billing records no later than October 2, 2020. On Friday, September 11, 2020, Your Honor and another judge of this Court granted the City's letter motions to stay two cases due to long delays by the Roller firm in providing relevant attorney billing records. *See D. v. DOE*, 20-cv-2238 (KPF)(GWG) (ECF No. 14); *T. v. DOE*, 20-cv-3816 (GHW)(RWL) (ECF No. 13) (granting request in part).

By way of background, the overwhelming majority of fee claims following IDEA administrative proceedings are resolved amicably between plaintiff's counsel and the DOE without the need for a federal action. Of the small portion of fee claims that do not resolve through settlement with DOE, once a federal action is filed they are routinely settled without further litigation following negotiations between plaintiff's counsel and the New York City Law Department (with final approval by the New York City Comptroller). A small fraction of the federal filings do not settle and go to motion practice.

This case, and many others filed by the Roller firm, are outliers in that (1) Plaintiff's counsel never sought to reach a resolution with the DOE or the Law Department before filing

this suit, (2) then waited until the last day of the three-year statute of limitations to file a federal action, and (3) delays several months in providing the defendant with attorney billing records. Indeed, since the onset of the COVID-19 pandemic, Ms. Roller has filed 25 new actions seeking solely IDEA fees and costs, and, has an additional half dozen others filed in 2019 and early 2020, yet has only provided billing records in just a few of those cases to date.

The complaint was filed on June 12, 2020. On July 6, 2020, Defendant filed a request for an extension of time to answer (ECF No. 4), with the Plaintiff's consent, so that the parties could engage in settlement negotiations. The Court granted that request on July 7, 2020 (ECF No. 5). Unfortunately, settlement negotiations have not begun because Plaintiff has not provided relevant billing records, despite Defendant's repeated requests for them. On August 7, 2020, Plaintiff's counsel assured Defendant that the records would be provided no later than August 31, 2020. On August 10, 2020 Defendant filed an answer (ECF No. 7).

Defendant believes that if attorney billing records are provided, the parties have a very high likelihood of fully resolving this matter within 90 days.

Therefore, Defendant respectfully requests that this action be stayed for 90 days, and that Plaintiff's counsel be directed to provide attorney billing records no later than October 2, 2020.

Thank you for considering these requests.

Respectfully submitted,

/s/

---

Matthew C. Halldorson  
Assistant Corporation Counsel

cc: Irina Roller, Esq. (via ECF)

The Court is in receipt of Defendant's letter seeking that this action be stayed for 90 days and that Plaintiff's counsel be compelled to produce attorney billing records. The Court has been waiting to see if Plaintiff would file any sort of response to Defendant's letter. However, given that any such response would have been due yesterday, and given the Court's familiarity with Ms. Roller's *modus operandi*, the Court will GRANT Defendant's requests. This action is hereby STAYED through December 25, 2020. The Court further ORDERS that Ms. Roller produce the attorney billing records relevant to this action on or before October 2, 2020. The initial pretrial conference currently scheduled for October 1, 2020, is ADJOURNED *sine die*. The Court ORDERS the parties to provide a joint status update on or before December 28, 2020.

Dated: September 25, 2020  
New York, New York

SO ORDERED.

